

IN THE DISTRICT COURT OF THE UNITED STATES
EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,
Defendants.

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

PLAINTIFF’S MOTION TO FOR JUDICIAL NOTICE

Plaintiff, Michael Miller, proceeding pro se, respectfully moves this Court pursuant to Federal Rule of Evidence 201 and the Court’s Order (Doc. 26) for an order taking judicial notice of the following public records:

1. The complete docket and filings in *Miller v. County of Lancaster*, No. 1:24-CV-00014 (M.D. Pa.); and
2. The complete docket and filings in *Miller v. County of Lancaster*, Appeal No. 24-2934 (3d Cir.).

Statement of Concurrence

Pursuant to Local Rule 7.1, Plaintiff sought concurrence from Defendants on December 17, 2024. Defendants have indicated that they do not oppose this motion

and have concurred in Plaintiff's request for judicial notice of the complete dockets and filings as described herein.

Scope of Judicial Notice

This motion explicitly seeks judicial notice only of the existence of the dockets and filings referenced above. Judicial notice does not extend to:

1. The truth of the contents of any filing,
 2. Any legal conclusions contained therein, or
 3. Findings from the Middle District case that remain under appellate review,
as confirmed by the Notice of Appeal (Doc. 65) filed on October 15, 2024.
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GROUND FOR MOTION

1. Judicial Notice Is Procedurally Appropriate

This motion arises pursuant to the Court's Order (Doc. 26), which granted Defendants' request for judicial notice of outside filings. To ensure fairness and completeness, Plaintiff now requests judicial notice of the entire docket and filings in the related Middle District action and pending Third Circuit appeal.

Under Rule 201(b), courts may take judicial notice of adjudicative facts that are not subject to reasonable dispute and are capable of verification from reliable sources, such as public court records.

- *Pension Benefit Guar. Corp. v. White Consol. Indus., Inc.*, 998 F.2d 1192, 1196 (3d Cir. 1993).

2. Judicial Notice Cannot Extend to the Truth or Legal Conclusions

Judicial notice is strictly limited to confirming the existence of filings; it does not permit reliance on their substance, legal conclusions, or findings.

The Third Circuit has made this clear:

- *Southern Cross Overseas Agencies, Inc. v. Wah Kwong Shipping Grp. Ltd.*, 181 F.3d 410, 426-27 (3d Cir. 1999):

“A court may take judicial notice of prior judicial opinions or filings, but not for the truth of the matters asserted.”

- *Oran v. Stafford*, 226 F.3d 275, 289 (3d Cir. 2000):

“Judicial notice is limited to facts not subject to reasonable dispute. Courts cannot take notice of the truth of disputed factual matters in public records.”

3. The Notice of Appeal Confirms the Dismissal Order Is Non-Final

The Notice of Appeal (Doc. 65), filed on October 15, 2024, confirms that the

dismissal order from the Middle District case remains under appellate review. As such, it lacks finality and cannot be relied upon to support legal defenses such as res judicata or preclusion.

- *Arizona v. California*, 530 U.S. 392, 412-13 (2000):

“Judgments under appeal do not have the requisite finality to preclude subsequent litigation.”

4. Judicial notice of the Notice of Appeal ensures the Court is aware of the procedural posture of the prior case and prevents improper reliance on its non-final findings.

5. Liberal Standards Apply to Pro Se Litigants

Plaintiff, as a pro se litigant, is entitled to liberal construction of his motion to ensure fairness:

- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007):

“A pro se litigant’s pleadings must be construed liberally to ensure that no claim or argument is overlooked due to technical deficiencies.”

WHEREFORE,

Plaintiff moves that this Court issue an order:

1. Take judicial notice of the complete docket and filings in *Miller v. County of Lancaster*, No. 1:24-CV-00014 (M.D. Pa.), and *Miller v. County of Lancaster*, Appeal No. 24-2934 (3d Cir.), limited to their existence as adjudicative facts.
2. Confirm that judicial notice does not extend to the truth of the contents, legal conclusions, or contested findings in these filings.
3. Grant such other relief as this Court deems just and proper to ensure fairness and justice for Plaintiff.

A proposed order is attached for the Court's convenience.

Respectfully submitted,

/s/ Michael Miller

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Dated: December 17, 2024

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EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL MILLER

Plaintiff,

v.

COUNTY OF LANCASTER, *et al.*,

Defendants.

Civ. No.: 5:24-cv-05338-JFL

Judge Joseph F. Leeson, Jr.

ORDER

AND NOW, this ____ day of _____, 2024, upon consideration of Plaintiff's Motion for Judicial Notice, and noting Defendants' concurrence, it is hereby ORDERED that:

1. The Court takes judicial notice of the complete docket and filings in *Miller v. County of Lancaster*, No. 1:24-CV-00014 (M.D. Pa.), and *Miller v. County of Lancaster*, Appeal No. 24-2934 (3d Cir.), limited to their existence as adjudicative facts.
2. The Court does not take judicial notice of the truth of the contents, legal conclusions, or findings contained in these filings, including findings that remain subject to appellate review.

IT IS SO ORDERED.

BY THE COURT:

Judge Joseph F. Leeson, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by e-filing a true and correct copy of the foregoing document to the following:

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Respectfully Submitted,

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Dated: December 17, 2024